

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

M&T CAPITAL AND LEASING
CORPORATION,

Plaintiff,

v.

NORTHPOINT TRANSPORTATION,
INC, et al.,

Defendants.

No. 2:23-cv-00656-JAM-CKD

ORDER

(ECF No. 16.)

On April 25, 2024, the magistrate judge filed findings and recommendations (ECF No. 16), which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen (14) days. No objections were filed. Accordingly, the court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the findings and recommendations in full. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations (ECF No. 16) are **ADOPTED IN FULL**;

- 1 2. Plaintiff's motion for default judgment against defendant (ECF No. 10) is **GRANTED in**
- 2 **PART;**
- 3 3. Plaintiff is awarded final judgment in the amount of \$2,342,933.29;
- 4 4. Plaintiff is awarded pre-judgment interest from August 30, 2023, through entry of
- 5 judgment at a rate of 18 % per annum and based on a 365-day year (a daily rate of
- 6 approximately \$1,955.46);
- 7 5. Plaintiff is awarded post-judgment interest at the federal rate; and
- 8 6. Plaintiff's request to recover attorneys' fees for out-of-state counsel who have not been
- 9 admitted pro hac vice is **DENIED.**

10 Dated: May 23, 2024

/s/ John A. Mendez

11 THE HONORABLE JOHN A. MENDEZ
12 SENIOR UNITED STATES DISTRICT JUDGE

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